

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

February 5, 2013

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Gene Knisley, Jeff Richerson, Jim Edwards, Barbara Ball, Mark Beggs and Karl Walters

Members Absent: None

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor
Angie Stokes, Secretary

Mr. Knisley: Good evening ladies and gentlemen and welcome to the February meeting of the Planning and Zoning Commission. I would like to call the meeting to order please, roll call.

Mr. Tapp: Karl Walters?

Mr. Walters: Present.

Mr. Tapp: Jim Edwards?

Mr. Edwards: Present.

Mr. Tapp: Jeff Richerson?

Mr. Richerson: Present.

Mr. Tapp: Barbara Ball?

Ms. Ball: Present.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Present.

Mr. Tapp: Gene Knisley?

Mr. Knisley: Present.

Mr. Knisley: Thank you next item is the approval of the November 6th and the December 4th, 2012 Planning and Zoning Minutes. We'll call for a special approval on each one, November 6th is first.

Ms. Ball: Mr. Chairman I vote that we, I make a motion that we approve the November 6th, 2012 minutes.

Mr. Knisley: Okay there has been a motion to approve, is there a second?

Ms. Ball: I wasn't here, never mind.

Mr. Knisley: No you weren't here.

Ms. Ball: I was here in December; can I do December first then November?

Mr. Tapp: No let's do November first.

Ms. Ball: You got to do November, well count me out.

Mr. Richerson: Mr. Chairman I move we approve the November 6, 2012 minutes.

Mr. Knisley: Thank you there has motion to approve by Jeff.

Mr. Edwards: I second.

Mr. Knisley: And a second. Vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Jim Edwards?

Mr. Edwards: Approve.

Mr. Tapp: Jeff Richerson?

Mr. Richerson: Approve.

Mr. Tapp: Barbara Ball?

Ms. Ball: Abstain.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Gene Knisley?

Mr. Knisley: Approve. Thank you.

Final Vote: 5/0/1 Approve November 6, 2012 Minutes

Mr. Knisley: Call for the approval of the December 4th, 2012 minutes do I have a motion?

Ms. Ball: Mr. Chairman I would like to make a motion that we approve the December 4th, 2012 minutes.

Mr. Knisley: Thank you, there has been a motion.

Mr. Edward: I second.

Mr. Knisley: And a second vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Jim Edwards?

Mr. Edwards: Approve.

Mr. Tapp: Jeff Richerson?

Mr. Richerson: Abstain.

Mr. Tapp: Barbara Ball?

Ms. Ball: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Abstain.

Mr. Tapp: Gene Knisley?

Mr. Knisley: Approved.

Final Vote: 4/0/2 Approve December 4, 2012 Minutes

Mr. Knisley: Thank you, before we go into the cases this evening you have before you the Monthly Report for January 2013 if you would like to review that, compare it with last year's numbers and have any questions or comments, bring them up at this time Commission. Being no comments or questions we will proceed with the agenda this evening. Our minutes will be recorded and the staff report will be included as part of the minutes. We have two cases this evening the first the case is January 2013 the case number is 101RZP. This is a request for rezoning from Agricultural (AG) to Residential Ranchette District (R-5) also a request for a preliminary plat approval for the proposed subdivision of Quarry Flats located at approximately 13813 Petty Road. The applicants are Bob and Jerry Mitchell. Can we have the staff report please?

Mr. Tapp: Yes Mr. Chairman, first off I would like to attach the staff report as part of the record please.

Mr. Knisley: So be it.

Mr. Tapp: Summarized the staff report. Staff report Jan 13-101RZ/P dated November 28, 2012 and part of the case file is hereby made as an attachment to the minutes.

Mr. Knisley: Thank you Director. Any comments from the Commission at this time?

Mr. Richerson: On the right-a-way there is not an issue with getting in to where a building is or anything existing or where they are going to build?

Mr. Tapp: That is correct Commissioner, the railroad is back to the very east of the property it's pretty wooded and the surveyor did find bars in the ground and placed some new ones. So we are fairly certain that it's precise, but we wanted to correspond with the railroad and make sure all the players are on the same page and we are all in the right boat. But as it stands there's no existing building or I cannot foresee anyone building back there. But we just wanted to nail it down.

Mr. Knisley: Will the applicant like to step forward and have any questions or comments.

Mr. Mitchell: I'm Bob Mitchell. No questions or comments. They have been very helpful and we went through the process on some things, we are pretty much I think, finalized on any questions or anything like that. That's it for me.

Mr. Knisley: You are familiar with the five issues concerning the rezoning criteria.

Mr. Mitchell: Yes, well we pretty much went through them, so yeah, we were the ones who did all the work ourselves as far as contacting the City of Kearney and all that kind of stuff and the water department, so yeah we are very familiar with everything that is in the documents.

Mr. Knisley: Alright, any questions to the applicant from the Commission? Thank you.

Mr. Mitchell: Okay you are welcome.

Mr. Knisley: Any comments from the public. Any further comments from the Commission? Being none it is the recommendation of the staff that the request for rezoning be approved for the Agricultural (AG) district to Residential Ranchette District (R-5), do I have a motion?

Mr. Richerson: Mr. Chairman I move we approve the rezoning from Ag to Ranchette (R-5) on Quarry Flats.

Mr. Knisley: Thank you there has been a motion to approve is there a second?

Mr. Edward: Second.

Mr. Knisley: There has been a second, vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approved.

Mr. Tapp: Jim Edwards?

Mr. Edwards: Approved.

Mr. Tapp: Jeff Richerson?

Mr. Richerson: Approve.

Mr. Tapp: Barbara Ball?

Ms. Ball: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Gene Knisley?

Mr. Knisley: Approve.

Final Vote: 6/0/0 Approve Rezoning January 13-101RZ/P; Quarry Flats

Mr. Knisley: Let's get to the Preliminary Plat of Quarry Flats are there any comments from the Commission before I ask for a motion? Do I have a motion to approve with the two conditions? Do I have a motion?

Mr. Richerson: Mr. Chairman I move we approve the Preliminary Plat of Quarry Flats with the two conditions.

Mr. Knisley: Thank you; there has been a motion to approve. Do I have a second?

Mr. Edward: Second.

Mr. Knisley: Vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Jim Edwards?

Mr. Edwards: Approve with conditions.

Mr. Tapp: Jeff Richerson?

Mr. Richerson: Approve with conditions.

Mr. Tapp: Barbara Ball?

Ms. Ball: Approved with two conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve with two conditions.

Mr. Tapp: Gene Knisley?

Mr. Knisley: Approve with two conditions.

**Final Vote: 6/0/0 Approve Preliminary Plat January 13-101RZ/P; Quarry Flats
With Two (2) Conditions**

Mr. Knisley: Thank you. Next case, case dated February 2013 the case number is 102RZF, this is a request for rezoning from Suburban Residential District (R-1A) to Residential Ranchette (R-5) for proposed Lot 2A and Residential Rural District (R-1) for proposed Lot 2B and Tract B and final plat approval for A Replat of Lot 2 Henson Farm a proposed replat located at 14419 Henson Road. The applicants are Justin and Rebecca Thompson, representing Nordiak, Inc.

Can we have the staff report please?

Ms. Viviano: Yes Mr. Chairman, I would like to attach the staff report as part of the record.

Mr. Knisley: So be it.

Ms. Viviano: Summarized the staff report. Staff report Feb 13-102RZ/F dated January 9, 2013 and part of the case file is hereby made as an attachment to the minutes. Applicants are here if you have any questions.

Mr. Knisley: Thank you Debbie. Would the applicant like to come up and address the Commission? State your name for the record please.

Ms. Thompson: I am Rebecca Thompson.

Mr. Knisley: Thank you. You have read the staff report, I am sure.

Ms. Thompson: Yes

Mr. Knisley: And you are in agreement with that staff report?

Ms. Thompson: I have no questions, it looks good. The Planning and Zoning have been very helpful in making sure we do this the right way and I understand all the conditions they have on here. It doesn't look like there are any problems with it at all.

Mr. Knisley: I think the main one you have to address with the final plat is the Road Impact Fees.

Ms. Thompson: Right. And there is space for that and I don't think there will be a problem with that.

Ms. Viviano: Commissioner would you like to add that as a condition? That the Road Impact Fees be paid at the time of the recording.

Mr. Knisley: I think so at the recording.

Ms. Viviano: Yes. Okay I am going to go ahead and add that then as one condition.

Mr. Knisley: There will be one condition.

Ms. Thompson: Okay.

Mr. Knisley: Any other?

Ms. Thompson: No.

Mr. Tapp: Mr. Chairman, to verify the RIF agreement, correct, and the RIF fees.

Mr. Knisley: Yes. Based on today's fees and ...

Mr. Tapp: Our common condition language.

Mr. Knisley: Right.

Ms. Viviano: Yes.

Mr. Tapp: Okay.

Ms. Thompson: Okay.

Mr. Knisley: Okay any comments or questions from the Commission for the applicant. Thank you.

Ms. Thompson: Thank you.

Mr. Knisley: Any other comments from the public? It is recommended by the staff that the request for rezoning be approved on the Suburban Residential District (R-1A) to Residential Ranchette (R-5) for proposed Lot 2A and Residential Rural District (R-1) for proposed Lot 2B and Tract B for the Replat of Lot 2 Henson Farms. Do I have any comments from the Commission if none do I have a motion?

Mr. Richerson: Mr. Chairman I move we approve the rezoning from R-1A to R-5 on the proposed Lot 2A and R-1 for Lot 2B.

Mr. Edwards: I second.

Mr. Knisley: Thank you, there has been a motion to approve and a second, vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve.

Mr. Tapp: Jim Edwards?
Mr. Edwards: Approve.
Mr. Tapp: Jeff Richerson?
Mr. Richerson: Approve.
Mr. Tapp: Barbara Ball?
Mr. Ball: Approve.
Mr. Tapp: Mark Beggs?
Mr. Beggs: Approved.
Mr. Tapp: Gene Knisley?
Mr. Knisley: Approve.

Final Vote: 6/0/0 Approve Rezoning February 13-102RZ/P; A Replat of Lot 2 Henson Farm

Mr. Knisley: We will proceed to the Final Plat request A Replat of Lot 2 Henson Farm be approved. Do I have a motion to approve the Final Plat, now do we want to add one condition to that, Debbie?

Ms. Viviano: Yes.

Mr. Knisley: With one condition, do I have a motion?

Mr. Richerson: Mr. Chairman I move that we approve the Replat of Lot 2 Henson Farm with one condition.

Mr. Knisley: Thank you; there has been a motion to approve with one condition. Do I have a second?

Mr. Edwards: Second.

Mr. Knisley: I have a second, vote please.

Mr. Tapp: Karl Walters?

Mr. Walters: Approve with one condition.

Mr. Tapp: Jim Edwards?

Mr. Edwards: Approve with one condition.

Mr. Tapp: Jeff Richerson?

Mr. Richerson: Approved with one condition.

Mr. Tapp: Barbara Ball?

Ms. Ball: Approved with one condition.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approved with one condition.

Mr. Tapp: Gene Knisley?

Mr. Knisley: Approved with one condition.

Final Vote: 6/0/0 Approve Final February 13-102RZ/F; A Replat of Lot 2 Henson Farm With One (1) Condition

Mr. Knisley: Thank you folks. Under other business do have any items to address, Director?

Mr. Tapp: Yes Mr. Chairman, brought before your all's consideration is the schedule for 2013. Mr. Chairman and Commissioners I would like to point out a few dates. That would be May, because May 8th is a holiday, and by the first Tuesday of that month will be the day before the 8th. Which I don't think that will be a big deal that is Truman Day most people don't have that off, except us government employees and banks, so I don't think that will be an issue. But 4th of July is the Thursday after what is supposed to be the P&Z Commission meeting, so July is one to consider, and then September, Labor Day. I think that is it, to me, it's September and July, so July 4th and Labor Day. It's up to the Commission as to whether you want to move the dates.

Mr. Knisley: We are talking about July and September? Basically the other one is not that big of an issue?

Mr. Tapp: Yes I would say May is there, but like I said May 8th is Truman Day.

Mr. Knisley: Well it depends on if you are Democrat or Republican.

Mr. Tapp: That is why we get it. I like it. We get Lincoln Day and also get Truman Day in return. We will take them all.

Ms. Viviano: The staff is the only one that has to deal with that we don't get the day off before or after.

Mr. Knisley: Well I think July it is right in the middle of the week and that's a pretty good holiday starting out the summer I don't see a problem by moving it down.

Mr. Tapp: Poll the Commissioners if you all have plans already to travel then let us know because we've got to have quorum. But I don't know if we need to move it or not.

Mr. Knisley: We don't have to make that tonight, I suppose, but it is here to think about.

Mr. Tapp: Probably by May.

Mr. Knisley: Unless everybody can....

Ms. Viviano: What we have to do Commissioner is we do have to reserve the room and if we don't reserve it ahead of time sometimes it's gone.

Mr. Knisley: No I understand that.

Ms. Viviano: That might be the only issue and we do post this on the internet, so that the public is aware of what dates we have meetings. So a lot of times the surveyors will go to the calendar also.

Mr. Tapp: Did we get applications for February, Debbie?

Ms. Viviano: Yes.

Mr. Tapp: You are going to meet in February.

Mr. Knisley: February what year?

Ms. Ball: This is February.

Mr. Tapp: I mean, sorry, March.

Ms. Ball: We are?

Mr. Tapp: Flying by.

Ms. Ball: Are we going to meet in March?

Ms. Viviano: Yes, we will have a meeting in March. We have one case right now.

Ms. Ball: It sure is slow, isn't it?

Ms. Viviano: Yes it is.

Ms. Ball: Do you think it will pick up?

Mr. Tapp: It's going to it has too; we are running out of lots.

Ms. Ball: We are running out of what?

Mr. Tapp: Out of lots. Out of available lots for people to build on, if we don't provide lots we are going to run out of buildable lots. So yeah, we are going through our subdivisions like crazy.

Mr. Knisley: My feeling, my personal feeling we have done this in the past, where we just moved it one whole week up to clear that whole week for the people for their vacations.

Mr. Tapp: I think Labor Day is a bigger issue it is right after.

Mr. Knisley: That is right.

Mr. Tapp: If you want to make it a policy or just say let's move it the next week we will do it. We just need that direction from the Commission.

Mr. Knisley: I think September we certainly move it up.

Mr. Tapp: Okay, so that would move it from the 3rd to the 10th.

Mr. Knisley: Yes, that is on September and I don't care what the other Commissioners what to do about July that is fine with me.

Mr. Tapp: Okay we will keep it and we want to know by May by the latest if we think we are not going to get quorum, for room reservations and legal notice in the paper. Okay.

Ms. Ball: So the only thing that has changed is September?

Mr. Tapp: Yes we will move from the 3rd to the 10th in September.

Mr. Knisley: Okay any other business?

Mr. Tapp: Yes Mr. Chairman real quick, County Commissioner Gene Owen has garnered interest in the common sewer district formation and the long standing members of this Commission are probably fully aware of the common sewer district and how it's been an ongoing deal for a number of years, since '92 if not earlier. So I just wanted to bring it to the Commission attention that it will be brought up for open discussion on Monday, Monday's County Commission. I think it's Monday; right Karl is the next County Commission? They move them, so.

Mr. Walters: Yes.

Mr. Tapp: Next Monday at 1:30 p.m. Commissioner Owen will bring it up and I've got a timeline and whole bunch of information that kind of summarizes how, where we are at with the common sewer district with Clay County. For the Commissioners that aren't aware of the common sewer district, it's basically establishing a new political subdivision, so a whole new entity per se, and the main purpose for that is go after funding, go after grants from the Feds and the State, to upgrade septic to enclosed sewer systems and I've always told everyone that Paradise will be my number one targeted area. Try and get those folks on enclosed sewers because they're on small Urban Density lots on septic systems that are approaching if not already over passed aged, so they're starting to deteriorate and other things. So this brings it to the Commission's attention if you want to attend and show your support, then wonderful. But there was back in 1984 a common sewer district that may or may not been formed we are not entirely sure on their records, so my recommendation is that the County Commission pursue establishing a new one and there's two options, either one; it's a totally separate entity like the Platte County common sewer district and then the other statutory allowance is that their actually under the County Commission. So it depends if they want to be a utility company or not. That is what it boils down to and the direction of the past has been of course they don't want to be a utility company and have the administrative cost of getting bills out and accounts payable, receivable and all that good stuff. So anyways it is Monday so all means come if you like and either hear the discussion if you are just kind of curious or show your support to establish a common sewer district, because it does require a ballot initiative so that's the strategy there is to get it on the ballot. I am just happy that a Commissioner has taken the lead because in the past it's been kind of pushed back, I'll be honest, and it's not been a high priority. But I think it needs to be, because we are getting a lot septic systems that are not being maintained and are just ticking time bombs. DNR and the EPA can come down on us and fine us pretty heavily if we don't pursue this kind of thing.

Mr. Knisley: That has been an issue with those two agencies.

Mr. Tapp: Yes, so just to tell you again it's kind of coming back to light and hopefully this time it might get some action and get some interest.

Mr. Knisley: It would be nice if any of the members could be at the meeting, I think I will try, I will see how my schedule is. Any other comments from the Commission? Anything else Director?

Mr. Tapp: No Mr. Chairman that is it.

Mr. Knisley: Being none do I have a motion to adjourn?

Mr. Richerson: I move that we adjourn.

Mr. Edwards: Second.

Mr. Knisley: A move to adjourn and a second all in favor.

All: Yes.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary